

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BILLY JOE WARD,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 3:05-0777
)	Judge Trauger
WAL-MART STORES, INC.,)	Magistrate Judge Knowles
)	
Defendant.)	

ORDER

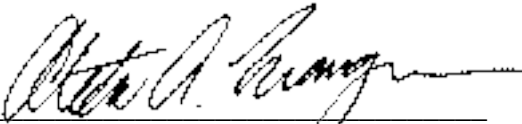
On October 2, 2006, the Magistrate Judge issued a Report and Recommendation, recommending that the defendant's Motion to Dismiss be granted. (Docket No. 29) No timely objections have been filed. The Report and Recommendation is therefore **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, the defendant's Motion to Dismiss (Docket No. 15) is **GRANTED**, and the original Complaint is **DISMISSED**.

Contained within the same Report and Recommendation is the Magistrate Judge's Order that the letter from the plaintiff, docketed as Docket No. 20, be termed as an Amended Complaint. (Docket No. 29 at 6) The Clerk has not yet complied with that Order of the Magistrate Judge and is hereby **ORDERED** that the Clerk shall change the docket notation for the letter that is Docket No. 20 so that it reads that Docket No. 20 is an Amended Complaint. The time for responding to the Amended Complaint shall run for the defendant from the date of entry of this Order.

This case is **REFERRED** back to the Magistrate Judge for further handling pursuant to the original referral Order.

It is so **ORDERED**.

Enter this 30th day of October 2006.



ALETA A. TRAUGER
U.S. District Judge